

ENTERED

January 25, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

§

VS.

§

CRIMINAL ACTION NO. 2:18-CR-617

ERNESTINA GUTIERREZ

§

§

OPINION AND ORDER GRANTING MOTION FOR CONTINUANCE

On January 23, 2019, Defendant moved for a continuance of the final pretrial conference and jury selection and trial for medical reasons preventing the Defendant and counsel adequate time to review the discovery together and to make an informed decision about whether to plead guilty or go to trial (D.E. 39). The United States was unopposed to the motion.

Under the Speedy Trial Act, a district court may grant a continuance and exclude the resulting delay from the time in which a trial must commence if it makes on-the-record findings that the ends of justice served by granting the continuance outweigh the public's and defendant's interests in a speedy trial. 18 U.S.C. § 3161(h)(7).

Having considered the Defendant's motion, the Court finds that the failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the Court finds that the ends of justice are served by granting a continuance in this case and outweigh the best interests of the public and Defendant in a speedy trial, and the period of the continuance is excluded from speedy trial computation.

The Court **GRANTS** the Defendant's motion (D.E. 39) and **CONTINUES** the final pretrial conference until **Wednesday, February 20, 2019, at 8:00 a.m.** before undersigned and schedules the jury selection and trial for **March 4, 2019, at 9:00 a.m.** before Hon. Nelva Gonzales Ramos.

ORDERED this 24th day of January, 2019.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE